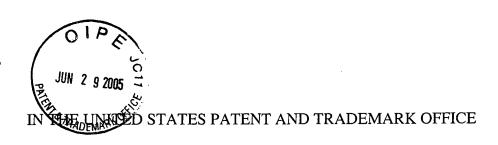
PU



In re Patent Application of

OKAMOTO et al.

Atty. Ref.: 2018-808; Confirmation No.

Appl. No. 10/721,249

TC/A.U. 3747

Filed: November 26, 2003

Examiner: Carl Stuart MILLER

For: INJECTION HOLE PLATE AND FUEL INJECTION APPARATUS HAVING THE

SAME

\* \* \* \* \* \* \* \* \* \*

June 29, 2005

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

## **RESPONSE**

The Office Action dated 06/17/2005 appears to be a duplicate copy of the Office Action mailed 05/04/2005 to which the applicant has <u>already responded</u> on June 3, 2005. In fact, the latest Office Action mailed 06/17/2005 even still refers to applicant's earlier response of January 21, 2005 rather than to applicant's most recent supplemental response of June 3, 2005.

A copy of applicant's June 3, 2005 response is attached together with a true copy of a postcard receipt evidencing the USPTO receipt of this further response.

It is assumed that some error at the USPTO has caused the issuance of this latest duplicate and outdated Office Action mailed 06/17/2005. Investigation and clarification of the record is respectfully requested.

OKAMOTO et al. Appl. No. 10/721,249 June 29, 2005

The undersigned has attempted to contact Examiner Miller by telephone on Friday

June 24, 2005 and left a voice mail to the above effect but no response has yet been received.

Respectfully submitted,

**NIXON & VANDERHYE P.C.** 

Bv:

Red No. 25 640

LSN:vc

901 North Glebe Road, 11th Floor

Arlington, VA 22203-1808 Telephone: (703) 816-4000

Facsimile: (703) 816-4100



| Serial No.: 'Applicant: Title: | 10/721.249<br>OKAMOTO<br>ETAL  | Atty: 6-3-0-5  Client: 20/8  Ref: 908 |
|--------------------------------|--|---------------------------------------|
| Other:                         | Amendment Pages Specification Claims Sheets Drawings: Formal Informal Declaration ( Pages) Assignment Priority Document Base Issue Fee Transmittal Fee (Check) | JUN 0 3 2005                          |
| Other: '                       | /  |                                       |

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| In re Patent Application of C I P Atty Dkt. 2018-808  C# M#   |         |  |  |
|---|---------|--|--|
| OKAMOTO et al. CTC/A.U. 3747  |         |  |  |
| Serial No. 10/721,249  Examiner: Carl Stuart MILLER   |         |  |  |
| Filed: November 26, 2005 Date: June 3, 2005   |         |  |  |
| Title: INJECTION HOLE PLATE TO THE SAME   |         |  |  |
| Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450  |         |  |  |
| Sir:  |         |  |  |
| RESPONSE  This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby  |         |  |  |
| incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.  |         |  |  |
| ☐ Correspondence Address Indication Form Attached.  |         |  |  |
| Fees are attached as calculated below:  |         |  |  |
| Total effective claims after amendment 0 minus highest number previously paid for 20 (at least 20) = 0 x \$50.00 \$0.00 (1202)/\$0.00 (2202)  | \$      |  |  |
| Independent claims after amendment previously paid for 3 (at least 3) = 0 x \$200.00 \$0.00 (1201)/\$0.00 (2201)  | \$      |  |  |
| If proper multiple dependent claims now added for first time, (ignore improper); add  |         |  |  |
| \$360.00 (1051)/\$180.00 (2051)   | \$      |  |  |
| Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s)  One Month Extension \$120.00 (1251)/\$60.00 (2251)  Two Month Extensions \$450.00 (1252)/\$225.00 (2252)  Three Month Extensions \$1020.00 (1253/\$510.00 (2253)   |         |  |  |
| Four Month Extensions \$1590.00 (1254/\$795.00 (2254)   |         |  |  |
| Terminal disclaimer enclosed, add \$130.00 (1814)/ \$65.00 (2814)   | \$      |  |  |
| ☐ Applicant claims "small entity" status. ☐ Statement filed herewith  |         |  |  |
| Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806)   | \$      |  |  |
| Assignment Recording Fee \$40.00 (8021)   | \$      |  |  |
| Other:  | \$      |  |  |
| TOTAL FEE ENCLOSED  | \$ 0.00 |  |  |
| The Commissioner is hereby authorized to charge any <u>deficiency</u> , or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A <u>duplicate</u> copy of this sheet is attached. |         |  |  |
| 901 North Glebe Road, 11th Floor Arlington, Virginia 22203-1808 Telephone: (703) 816-4000  NIXON & VANDERHYE P.C. By Atty: Larry S. Nixon, Reg. No. 25,640  |         |  |  |
| Facsimile: (703) 816-4100 LSN:vc Signature:   | ~       |  |  |
|   |         |  |  |
|   |         |  |  |



In re Patent Application of

OKAMOTO et al.

Atty. Ref.: 2018-808; Confirmation No. 6130

Appl. No. 10/721,249

TC/A.U. 3747

Filed: November 26, 2003

Examiner: Carl Stuart MILLER

For: INJECTION HOLE PLATE AND FUEL INJECTION APPARATUS HAVING THE

SAME

June 3, 2005

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

## **RESPONSE**

This communication is in response to the Office Action dated 05/04/2005. It is once again attempted to respond <u>completely</u> to the outstanding restriction requirement. At the same time, such restriction requirement is respectfully traversed.

The Examiner has defined three patentably distinct species (i.e., no one of which is made "obvious" in view of any other or combination of others):

Group I - Figures 1, 10, 13, 15, 17, 19, 20, 22, 24 and 26;

Group II - Figures 7A, 7B and 7C; and

Group III - Figures 8A, 8B and 8C.

The Examiner agrees that at least claim 1 is generic.

Although the Examiner has held each of three above-identified groups to be patentably distinct, the Examiner nevertheless has required the applicant to select one embodiment from each of these patentably distinct groups. Accordingly, applicant hereby makes the following elections (subject to traversal as noted elsewhere herein):

Group I – applicant elects Figure 10.

Group  $\Pi$  – applicant elects Figure 7B.

Group III – applicant elects Figure 8B.

Claims which are readable onto all such elections are believed to comprise claims 1-5 and 14, of which at least claims 1, 2 and 14 are considered generic.

The restriction requirement is respectfully traversed – at least in part because the undersigned does not comprehend the logic behind an election that requires the applicant to choose a combination of features from three patentably distinct species. For example, the injection holes 57 of Figures 10 and 11 are different from the injection hole 57 of Figures 7A-7C and/or Figures 8A-8C. As described in the specification, Figures 7A-7C and 8A-8C all depict modifications of first-side holes (Figures 7A-7C) and second-side holes (Figures 8A-8C) of applicant's first exemplary embodiment. Figure 10 depicts a second exemplary embodiment (and Figure 11 depicts a third exemplary embodiment that is very closely related to that of Figure 10). Other Figures are variously directed to 4<sup>th</sup> through 10<sup>th</sup> exemplary embodiments – however the Examiner's restriction requirement does not seem to be logically related to the depicted exemplary embodiments.

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Appl. 140. 10/

June 2, 2005

Given the history of responses to this restriction requirement, if the above is deemed in any way to be "incomplete", it is respectfully requested that the undersigned be telephoned so that any deficiency can be promptly corrected without the need for further office actions.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

Larry S. Nixon Reg. No. 25,640

LSN:vc

901 North Glebe Road, 11th Floor

Arlington, VA 22203-1808

Telephone: (703) 816-4000 Facsimile: (703) 816-4100